

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|----------------------------------|---|-------------------------------|
| LEONARD HOWZE, JR. and DIONNE | : | CIVIL NO. 1:09-CV-1327 |
| L. STREET, as parents and | : | |
| natural guardians of LDH, their | : | (Judge Conner) |
| son, a minor, | : | |
| | : | (Magistrate Judge Smyser) |
| Plaintiffs | : | |
| | : | |
| v. | : | |
| | : | |
| MARC DAVID MOULE, Individually | : | |
| and in his official capacity | : | |
| as an employee and agent of the | : | |
| City of Harrisburg, CHARLES | : | |
| KELLER, Individually and in his | : | |
| capacity as an employee and | : | |
| agent of the City of Harrisburg, | : | |
| STEPHEN R. REED, Individually | : | |
| and in his official capacity as | : | |
| an employee and agent of the | : | |
| City of Harrisburg, and CITY | : | |
| OF HARRISBURG, | : | |
| | : | |
| Defendants | : | |

REPORT AND RECOMMENDATION

Given that the plaintiff concurs in the dismissal of the state law claims against defendants City of Harrisburg, Reed and Keller and the negligence claim against defendant Moule, see *doc. 33*, it is recommended that the defendants' partial motions (*docs. 25 & 27*) to dismiss be granted and that

Counts 6-10, 12-14, 17-19 and those parts of Counts 15 and 20 against defendants City of Harrisburg, Reed and Keller be dismissed. It is further recommended that the case be remanded to the undersigned for further proceedings.

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: January 12, 2010.